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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/741,718	12/20/2000	Herve Buzot	PPC-767	7536

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EXAMINER

ANDERSON, CATHARINE L

ART UNIT	PAPER NUMBER
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3761

DATE MAILED: 11/25/2003

19

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/741,718

Applicant(s)

BUZOT, HERVE

Examiner

C. Lynne Anderson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-6,8,13-16,19-22,26-30,34 and 35 is/are rejected.
- 7) ☒ Claim(s) 2,3,7,9-12,17,18,23-25,31-33 and 36 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4-6, 8, 13, 15, 16, 19, 26-30, 34, and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Reeves et al. (4,278,088).

Reeves discloses an absorbent article, as shown in figure 1, comprising an overwrap 1 and absorbent material 2. The overwrap 1 is fluid-permeable, as disclosed in column 1, lines 55-57. The absorbent material 2 comprises a plurality of compressed, fibrous tablets, as disclosed in column 1, lines 53-55. The tablets comprise 100% of the maximum volume capacity of the absorbent material 2, since no other absorbent material aside from the tablets is present in the article. The tablets therefore have a bulk density sufficient to provide 100%, or at least about 80%, of the maximum volume capacity of the absorbent material.

With respect to claims 4-6 and 8, the absorbent material 2 comprises cellulosic material, as disclosed in column 2, lines 39-42. Cellulose is bondable by nature, and its chemical structure permits it to form hydrogen bonds.

With respect to claim 13, the overwrap 1 comprises a nonwoven material, as disclosed in column 3, lines 3-5.

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With respect to claims 15 and 16, the overwrap 1 is a liquid-permeable bag, as disclosed in column 1, lines 55-57.

With respect to claim 19, the absorbent article is a tampon, as disclosed in claim 1.

With respect to claims 26 and 27, the finished absorbent article disclosed by Reeves is made by the claimed method, as described in column 2, lines 56-57. Carlucci discloses a fibrous, absorbent material 50 which is compressed into tablets and placed into an overwrap 1. The overwrap 1 is then sealed by closure 7.

With respect to claim 28, the overwrap 1 is placed in a tampon applicator I, as shown in figure 2.

With respect to claim 29, the overwrap 1 is a bag, as disclosed in column 1, lines 55-57.

With respect to claim 30, the overwrap 1 is a nonwoven material, as disclosed in column 3, lines 3-5.

With respect to claim 34, a withdrawal string 5 is attached to the bag formed by overwrap 1, as shown in figure 1.

With respect to claim 35, the absorbent article of claim 34 is placed in a tampon applicator I, as shown in figure 2.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reeves et al. (4,278,088) as applied to claim 1 above, and further in view of Foley et al. (5,817,077).

Reeves discloses all aspects of the claimed invention with the exception of an apertured film overwrap. Foley discloses an absorbent article having an apertured film overwrap, as disclosed in column 4, lines 37-43. The purpose of this is to reduce the amount of moisture absorbed from the epithelial tissue, thus keeping the tissue from drying out, as described in column 2, lines 54-61.

It would therefore be obvious to one of ordinary skill in the art at the time of invention to wrap the absorbent article of Reeves with the apertured film of Foley to prevent the epithelial tissue of the wearer from drying out.

Claims 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gellert (4,475,911).

Gellert discloses all aspects of the claimed invention but remains silent as to the bulk density of the tablets. Gellert discloses an absorbent article in the form of a tampon for intravaginal use, as shown in figure 8, containing a plurality of tablets 39 of compressed, fibrous material, as disclosed in column 10, lines 6-11. It would have been an obvious matter of design choice to have the bulk density of the tablets be between about 0.8 and about 1.2 g/cc, since the applicant has not disclosed the density being between about 0.8 and about 1.2 g/cc solves any stated problem or serves any particular purpose.

Allowable Subject Matter

Claims 2, 3, 7, 9-12, 17-18, 23-25, 31-33, and 36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 10 September 2003, with respect to the rejection of claims 1-19 and 27 under 35 U.S.C. 112, second paragraph, have been fully considered and are persuasive. The rejection of these claims has been withdrawn.

Applicant's arguments with respect to the rejection of claims 1, 4-6, 8, 13, 15, 16, 19, 26-30, 34, and 35 under 35 U.S.C. 102(b) have been considered but are not persuasive. Reeves discloses an absorbent material 2 comprising compressed tablets, as shown in figures 1 and 2. The tablets comprise 100% of the absorbent material, and therefore is compressed to a bulk density sufficient to provide a volume capacity of at least about 80% of the maximum volume capacity of the absorbent material.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Lynne Anderson whose telephone number is (703) 306-5716. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (703) 308-1957. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3590.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.


cla

November 21, 2003


WEILUN LO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700